

[Counsel identified on signature page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EOLAS TECHNOLOGIES  
INCORPORATED,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

EOLAS TECHNOLOGIES  
INCORPORATED,

Plaintiff,

v.

WALMART INC.,

Defendant.

Lead Case No. 4:17-cv-03022-JST

Related to Case Nos. 4:17-cv-01138-JST,  
4:17-cv-03023-JST, and 4:15-cv-05446-JST

**DEFENDANTS' 79-5(f)  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD BE  
SEALED AS TO CERTAIN  
DOCUMENTS IN SUPPORT OF  
DEFENDANTS' AMAZON'S AND  
WALMART'S MOTION TO STRIKE  
DR. DAVID MARTIN'S GOOGLE  
REBUTTAL REPORT**

Case No. 4:17-cv-03023-JST

Pursuant to Civil L.R. 7-11(a) and 79-5(f), Defendants Amazon.com, Inc. (“Amazon”), and Walmart, Inc. (“Walmart”) (collectively, “Defendants”) hereby bring this Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed in connection with Defendants’ Amazon and Walmart Motion to Strike Dr. David Martin’s Google Rebuttal Report (“Motion”). Defendants have reviewed and complied with the Court’s Standard Order Governing Administrative Motions to File Materials Under Seal Before District Judge Jon S. Tigar and have reviewed and complied with Civil Local Rule 79-5. This motion is made on the following grounds:

Certain portions of Defendants’ Motion and documents filed in support thereof contain information that Plaintiff Eolas Technologies, Inc. (“Eolas”) has designated pursuant to the Patent Protective Order (“Protective Order”) entered by this action.

Defendants identify the following material, which Defendants understand to contain information Eolas has marked confidential, to be provisionally sealed:

Portion Containing Confidential Information	Portions to be filed under seal	Designating Party
Defendants’ Amazon and Walmart Motion to Strike Dr. David Martin’s Google Rebuttal Report	Highlighted in Yellow	Eolas designated “Restricted Confidential – Attorneys’ Eyes Only”
Exhibit 2 to the Declaration of Eric Lancaster in support of Motion [redline comparison of Martin’s Replacement Rebuttal Report and Martin’s Google Rebuttal Report]	Entire Document.	Eolas designated “Restricted Confidential – Attorneys’ Eyes Only”

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, “has been designated as confidential by another party or non-party.” L.R. 79-5(f). Defendants’ have redacted the yellow-highlighted portions of Defendants’ Motion and submitted exhibits in support thereof under seal as they contain Eolas designated information as “Restricted Confidential – Attorneys’ Eyes Only” under

1 the Protective Order. Defendants' expect Eolas to file a declarations in accordance with the  
 2 Local Rule 79-5(f)(3).

3 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
 4 above listed documents accompany this Administrative Motion. In accordance with Local Rule  
 5 79-5(c)(3), Walmart has also filed a Proposed Order herewith.

6  
 7 Dated: November 18, 2021

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**ATTESTATION**

I, Bijal Vakil, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(h)(3), I attest that all signatories to this document have concurred in this filing.

DATED: November 18, 2021

/s/ Bijal Vakil  
Bijal Vakil